



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-21112023-250171
CG-DL-W-21112023-250171

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 44] नई दिल्ली, अक्टूबर 29—नवम्बर 4, 2023, शनिवार/ कार्तिक 7—कार्तिक 13, 1945
No. 44] NEW DELHI, OCTOBER 29—NOVEMBER 4, 2023, SATURDAY/KARTIKA 7—KARTIKA 13, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 12 अक्टूबर, 2023

का.आ. 1722.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान राज्य सरकार की अधिसूचना सं. एफ.19(47)गृह-5/2023 दिनांक 20.09.2023, गृह (गृ.-v) विभाग, जयपुर के माध्यम से जारी सम्मति से, (1) श्री सुधीर शर्मा (पीएफ सं. 6995993), तत्कालीन शाखा प्रबंधक, भारतीय स्टेट बैंक, बीओ टोंक रोड, दुर्गापुरा (कोड सं. 31765), जयपुर; (2) श्री ज्ञान सिंह मीना, (पीएफ सं. 7398778), सहायक प्रबंधक, भारतीय स्टेट बैंक, बीओ टोंक रोड, दुर्गापुरा (कोड सं. 31765), जयपुर; (3) श्री चेतन शर्मा, बहीखोतन कार्मिक, भारतीय स्टेट बैंक, बीओ टोंक रोड, दुर्गापुरा (कोड सं. 31765), जयपुर; (4) श्री पुष्पेन्द्र कुमार, एटीएम गार्ड, भारतीय स्टेट बैंक, बीओ टोंक रोड, दुर्गापुरा (कोड सं. 31765), जयपुर; (5) श्री गिरीश शर्मा, ग्राहक सेवा केंद्र (सीएसपी), भारतीय स्टेट बैंक, बीओ टोंक रोड, दुर्गापुरा (कोड सं. 31765), जयपुर; (6) अज्ञात अन्य द्वारा बैंक निधि के दुर्विनियोजन के संबंध में भारतीय दंड संहिता की धारा 120बी सपठित धारा 409, 420, 467, 468 & 471 और भ्रष्टाचार निवारण अधिनियम, 1988 (2018 के

अधिनियम 16 द्वारा यथा संशोधित) की धारा 13(2) सपठित धारा 13(1)(ए) के तहत दंडनीय अपराध(धों) से संबंधित, सीबीआई, भ्र.नि.शाखा, जयपुर में दर्ज एसआई सं. एसआई0302023ए0002 से उत्पन्न अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा एवं/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त राजस्थान राज्य में करती है।

[फा. सं. 228/59/2023-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 12th October, 2023

S.O. 1722.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Rajasthan, issued vide Notification No.F.19(47)Home-5/2023 dated 20.09.2023, Home (Gr.-V) Department, Jaipur, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Rajasthan for investigation into the offence(s) punishable under section 120-B r/w 409, 420, 467, 468 & 471 of IPC and 13(2) r/w 13(1)(a) of Prevention of Corruption Act, 1988 (as amended by Act 16 of 2018), arising out of SI No. SI0302023A0002 registered at CBI, ACB, Jaipur relating to misappropriation of bank funds by (1) Shri Sudhir Sharma (PF No. 6995993), the then Branch Manager, State Bank of India, BO Tonk Road, Durgapura (Code No. 31765), Jaipur; (2) Shri Gyan Singh Meena (PF No. 7398778), Assistant Manager, State Bank of India, BO Tonk Road, Durgapura (Code No. 31765), Jaipur; (3) Shri Chetan Sharma, Outsourcing Employee at State Bank of India, BO Tonk Road, Durgapura (Code No. 31765), Jaipur; (4) Shri Pushpendra Kumar, ATM Guard, State Bank of India, BO Tonk Road Durgapura (Code No. 31765), Jaipur; (5) Shri Girish Sharma, Customer Service Point (CSP) of State Bank of India, BO Tonk Road, Durgapura (Code No. 31765), Jaipur; (6) Unknown others, and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/59/2023-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 20 अक्टूबर, 2023

का.आ. 1723.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश राज्य सरकार के पत्र सं. 676/6-पी-15/2022, दिनांक 14.09.2022 तथा उत्तरवर्ती शुद्धिपत्र दिनांक 13.09.2023, गृह (पुलिस) भाग-15, लखनऊ के माध्यम से जारी सम्मति से, नाबालिग लड़की के यौन शोषण में संलिप्त होने तथा बच्चों को यौन कृत्य में स्पष्ट रूप से दर्शाने वाली बाल यौन शोषण सामग्री को संग्रहित/प्रसारित/प्रकाशित करने के संबंध में मोबाइल संख्या +91 8896159886 एवं +91 8127983452 और ईमेल-आईडी ravi08526@gmail.com के उपभोक्ता श्री रवि कुमार पटेल, पुत्र श्री घनश्याम पटेल, निवासी मधावन, लमही, वाराणसी, वाराणसी कैंट, उत्तर प्रदेश द्वारा सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 67-बी, भारतीय दंड संहिता, 1860 (1860 का 45) की धाराएँ 376 एवं 506 और लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 (2012 का 32) की धारा 4 सपठित धारा 3(ए)(बी)(डी), धारा 6 सपठित धारा 5(एल), धारा 8 सपठित धारा 7, धारा 10 सपठित धारा 9 (एल), धारा 12 सपठित धारा 11(i)(ii)(iv)(vi) एवं धारा 14 सपठित धारा 13 के तहत किए गए अभिकथित अपराध(धों) से संबंधित दिनांक 27.06.2022 को दर्ज सीबीआई मामला आरसी-15(एस)/2022/एससी-III/एनडी का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 27.06.2022 से कार्योत्तर के प्रभाव से) समस्त उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/05/2023-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 20th October, 2023

S.O. 1723.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, issued vide letter No. -676/6-P-15/2022 dated 14.09.2022 and subsequent Corrigendum dated 13.09.2023, Home (Police) Section-15, Lucknow, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 27.06.2022) to the whole State of Uttar Pradesh for investigation into the offence(s) under section 67B of the Information Technology Act, 2000 (21 of 2000), sections 376 and 506 of the Indian Penal Code, 1860 (45 of 1860) and sections 4 r/w 3(a)(b)(d), 6 r/w 5(l), 8 r/w 7, 10 r/w 9 (l), 12 r/w 11 (i)(ii)(iv)(vi) and 14 r/w 13 of the Protection of Children from Sexual Offences Act, 2012 (32 of 2012) alleged to have been committed by Shri Ravi Kumar Patel, S/o Shri Ghanshyam Patel, R/o Madhavan, Lamahi, Varanasi, Varanasi Cantt., Uttar Pradesh, user of mobile numbers +91 8896159886 and +91 8127983452 and email-id ravi08526@gmail.com pertaining to the involvement in sexual abuse of a minor girl and in collection/transmission/publishing of Child Sexual Abuse Material, depicting children in sexually explicit manner, relating to the CBI Case RC-15(S)/2022/SC-III/ND registered on 27.06.2022, and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/05/2023-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 20 अक्टूबर, 2023

का.आ. 1724.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार, गृह, कारागार एवं आपदा प्रबंधन विभाग, रांची की अधिसूचना सं. 10/सी.बी.आई.-411 /2023-4039/रांची, दिनांक 06.09.2023 के माध्यम से जारी सम्मति से श्री अरुण कुमार सिंह, पुत्र श्री सत्यनारायण सिंह, निवासी गृह सं. 17, बिग बाज़ार के पीछे, पत्रालय एवं थाना-मानगो, निलगिरी कॉलोनी, जमशेदपुर, द्वारा श्री मुकेश प्रसाद उर्फ मुकेश कुमार, शाखा प्रबंधक, सेंट्रल बैंक ऑफ इंडिया, टेल्को टाउन शाखा, जमशेदपुर के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 7 के तहत दिनांक 23.08.2023 को दर्ज कराई गई शिकायत, जिसके आधार पर दिनांक 08.09.2023 को एक सीबीआई मामला आरसी0242023ए0009 दर्ज किया गया है, से उत्पन्न अपराध(धों) का अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 08.09.2023 से) समस्त झारखंड राज्य में करती है।

[फा. सं. 228/61/2023-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 20th October, 2023

S.O. 1724.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification No.10/C.B.I-411/2023-4039/Ranchi dated 06.09.2023, Home, Prisons and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 08.09.2023) to the whole State of Jharkhand for investigation into the offence(s) arising out of the complaint dated 23.08.2023 lodged by Shri Arun Kumar Singh S/o Shri Satyanarayan Singh, R/o House No. 17, Behind Big Bazar, PO & PS- Mango, Nilgiri Colony, Jamshedpur against Shri Mukesh Prasad @ Mukesh Kumar, Branch Manager, Central Bank of India, Telco town branch, Jamshedpur u/s 7 of PC Act, 1988 (as amended in 2018), based on which a CBI case RC0242023A0009 has been registered on 08.09.2023 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/61/2023-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 20 अक्टूबर, 2023

का.आ. 1725.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार, गृह, कारागार एवं आपदा प्रबंधन विभाग, रांची की अधिसूचना सं. 10/सी.बी.आई.-414/2023-4502/रांची, दिनांक 03.10.2023 के माध्यम से जारी सम्मति से श्रीमती लता देवी, पत्नी स्वर्गीय राजू मुंडा द्वारा श्री संदीप कुमार, लिपिक, सिरका कोलियरी, सीसीएल अरगडा, जिला-रामगढ़, जमशेदपुर के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 7 के तहत दिनांक 19.09.2023 को दर्ज कराई गई शिकायत, जिसके आधार पर दिनांक 04.10.2023 को एक सीबीआई मामला आरसी0242023ए0010 दर्ज किया गया है, से उत्पन्न अपराध(धों) का अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 04.10.2023 से) समस्त झारखंड राज्य में करती है।

[फा. सं. 228/62/2023-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 20th October, 2023

S.O. 1725.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification No.10/C.B.I-414/2023-4502/Ranchi dated 03.10.2023, Home, Prisons and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 04.10.2023) to the whole State of Jharkhand for investigation into the offence(s) arising out of the complaint dated 19.09.2023 lodged by Smt. Lata Devi W/o Late Raju Munda, against Shri Sandeep Kumar, Clerk, Sirka Colliery, CCL Argada, Distt- Ramgarh, Jamshepur u/s 7 of PC Act, 1988 (as amended in 2018), based on which a CBI case RC0242023A0010 has been registered on 04.10.2023 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/62/2023-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 20 अक्टूबर, 2023

का.आ. 1726.—केन्द्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मणिपुर राज्य सरकार की अधिसूचना सं. 12/1(4)/2023-एच(सीबीआई) (पार्ट), दिनांक 07.10.2023, गृह विभाग, इंफाल के माध्यम से जारी सम्मति से राज्य में हुई हाल की हिंसा से जुड़े निम्नलिखित 02 (दो) एफआईआर :-

(i) भा.दं.सं. की धारा 147/148/149/153ए/302 भा.दं.सं. की जोड़ी गई धारा 34 & एससी एवं एसटी (पीओए) अधिनियम, 1989 की धारा 3(2)(V) के तहत दर्ज एफआईआर सं. 8(05)2023 एनएसके-पीएस; तथा

(ii) भा.दं.सं. की धारा 147/148/149/153ए/302 भा.दं.सं. की जोड़ी गई धारा 34 & एससी एवं एसटी (पीओए) अधिनियम 1989 की धारा 3(2)(V) के तहत दर्ज एफआईआर नंबर 10(05)2023 एनएसके-पीएस

का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त मणिपुर राज्य में करती है।

[फा. सं. 228/47/2023-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 20th October, 2023

S.O. 1726.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Manipur, issued vide Notification No. 12/1(4)/2023-H(CBI) (Pt) dated 07.10.2023, Home Department, Imphal, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Manipur for investigation of following 02 (two) FIRs in connection with recent violence in the State:

- (i) **FIR No. 8(05)2023** NSK-PS U/s 147/148/149/153A/302 IPC Added Sec. 34 IPC & 3(2)(v) of SC & ST (PoA) Act 1989; and
- (ii) **FIR No. 10(05)2023** NSK-PS U/s 147/148/149/153A/302 IPC Added Sec. 34 IPC & 3(2)(v) of SC & ST (PoA) Act 1989

and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/47/2023-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 25 अगस्त, 2023

का.आ. 1727.—केंद्र सरकार, कारखाना अधिनियम, 1948 (1948 का 63) की धारा 2 के खंड (ढ) के प्रथम उपबंध के खंड (iii) द्वारा प्रदत्त शक्तियों के अनुसरण में एतद्वारा निम्न तालिका के कॉलम (3) में निर्दिष्ट अधिकारियों को उक्त तालिका के कॉलम (2) में निर्दिष्ट एनएलसी इंडिया लिमिटेड (एनएलसीआईएल), जिसका पंजीकृत कार्यालय सं. 135, ईवीआर पेरियार हाई रोड, किलपॉक, चेन्नई -600010 में है, के संबंधित कारखाने या वर्कशॉप के "अधिष्ठाता" के रूप में नियुक्त करती है, अर्थात:-

क्र.सं.	कारखाने का नाम (सौर विद्युत संयंत्र)	अधिष्ठाता के रूप में नियुक्त किए जाने वाले अधिकारी का पदनाम
1	एनएलसी इंडिया लिमिटेड 50 मेगावाट सौर विद्युत संयंत्र ब्लॉक -1, नेयवेली	उप महा प्रबंधक/महा प्रबंधक/मुख्य महा प्रबंधक
2	एनएलसी इंडिया लिमिटेड 15 मेगावाट सौर विद्युत संयंत्र ब्लॉक -16, नेयवेली (विल्लुदियानपट्टू मंदिर के पास)	
3	एनएलसी इंडिया लिमिटेड 40 मेगावाट सौर विद्युत संयंत्र ब्लॉक -5, नेयवेली	
4	एनएलसी इंडिया लिमिटेड 25 मेगावाट सौर विद्युत संयंत्र कोल्लीरुप्पु, नेयवेली	
5	एनएलसी इंडिया लिमिटेड 10 मेगावाट सौर विद्युत संयंत्र डॉलंगंज, अंडमान और निकोबार द्वीप समूह	
6	एनएलसी इंडिया लिमिटेड 10 मेगावाट सौर विद्युत संयंत्र अट्टमपहाड़, अंडमान और निकोबार द्वीप समूह	
7	एनएलसी इंडिया लिमिटेड 10 मेगावाट कैप्टिव सौर विद्युत संयंत्र, ब्लॉक -28 एवं 29, नेयवेली	

2. एनएलसी इंडिया लिमिटेड के अध्यक्ष-सह-प्रबंध निदेशक एतद्वारा संबंधित पदों पर ऐसे अधिकारियों को नाम से नामांकित करने के लिए प्राधिकृत हैं, जो कारखानों के अधिष्ठाताओं के रूप में पदनामित हैं, जैसा कि ऊपर बताया गया है।

[फा. सं. 38026/1/2013-सीए II]

अलका शेखर, अवर सचिव

MINISTRY OF COAL

New Delhi, the 25th August, 2023

S.O. 1727.—In pursuance of the powers, conferred by clause (iii) of the first provision to clause (n) of Section 2 of the Factories Act, 1948 (63 of 1948), the Central Government hereby appoints officers specified in column (3) of the Table below as “Occupier” of the respective factory or workshop of NLC India Limited (NLCIL), specified in column (2) of the said Table having its registered office at No.135, EVR Periyar High Road, Kilpauk, Chennai-600 010., namely:

Sl.No.	Name of the Factory (Solar Power Plant)	Designation(s) of Officer to be appointed as Occupier
1	NLC India Limited 50 MW Solar Power Plant, Block-1, Neyveli	Deputy General Manager/ General Manager/Chief General Manager
2	NLC India Limited 15 MW Solar Power Plant, Block-16, Neyveli (near Villudiyampattu Temple)	
3	NLC India Limited 40 MW Solar Power Plant, Block-5, Neyveli	
4	NLC India Limited 25 MW Solar Power Plant, Kolliruppu, Neyveli	
5	NLC India Limited 10 MW Solar Power Plant, Dollgunj, Andaman & Nicobar Islands	
6	NLC India Limited 10 MW Solar Power Plant, Attampahad, Andaman & Nicobar Islands	
7	NLC India Limited 10 MW Captive Solar Power Plant, Block-28 & 29, Neyveli	

2. The Chairman-cum-Managing Director of NLC India Limited is hereby authorized to nominate by name such officers to the respective positions, who are designated as occupiers of the factories, as indicated above

[F. No. 38026/1/2013-CA II]

ALKA SHEKHAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1728.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स रामको सीमेंट्स लिमिटेड; मेसर्स सीएसके कंसल्टिंग इंजिनियर्स प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और रामको इंडस्ट्रीज लिमिटेड (सीमेंट ग्राइंडिंग यूनिट खरगपुर) कंट्रैक्टर वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेंस नं.-09/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. एल -29011/50/2022- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 31st October, 2023

S.O. 1728.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 09/2023**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s The Ramco Cements Limited; M/s CKS Consulting Engineers Pvt. Ltd. and Ramco Industries Ltd. (Cement Grinding Unit Kharagpur) Contractor Workers Union** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. L-29011/50/2022-IR (M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present : Justice K. D. Bhutia, Presiding Officer.****REF. No. 09 OF 2023****Parties : Employers in relation to the management of****M/s. The Ramco Cements Ltd. & Anr.****AND****Their Workmen/ Union**

Appearance:

On behalf of the Management: Mr. Ranjay De, Advocate.

On behalf of the Workmen/ Union: None

Dated: 5th October, 2023

AWARD

Ld. Counsel of M/s. The Ramco Cement Ltd. is present but none appears on behalf from the side of the union which has espoused the present dispute. The management of M/s. CKS Consulting Engineering Pvt. Ltd. has been proceeded exparte as it has failed to appear despite due service of notice upon it.

Record shows notice of this case has been sent to the union in the address given in the order of reference through Registered Post and as well through Speed Post, but both the notices have returned undelivered with postal endorsement "not known".

The order of reference dated 11-04-2023 also shows Ministry of Labour had sent a copy of the order of reference to the concerned Union, which has espoused the dispute before the Labour Commissioner against it employers for not considering its demand made through letter dated 16-11-2022 in respect of 71 permanent employees of Ramco Cement Ltd. and on whose failure report submitted before the Ministry of Labour, the dispute has been referred to this tribunal for adjudication. The order of reference further discloses that a specific direction has been given to the union to file its claim statement along with relevant documents, list of reliance and witness before this Tribunal within 15 days.

From such facts, it can be said the General Secretary, Ramco Industries Ltd. (Cement Grinding Unit, Kharagpur), Contractor Workers Union, Paschim Medinipur, Dewanmaro Ayma, Hariatara, Kharagpur, Paschim Medinipur- 721304, is very much well aware, the dispute which it had initially raised before Labour Commissioner, the Conciliation Officer, in respect of 71 permanent employees of M/s. The Ramco Cement Ltd. vide its letter dated 16-11-2022 could not settled and its dispute has been referred to this Tribunal for adjudication by the Ministry of Labour. So, it cannot be said that union is not aware of the present reference case. Therefore, this Tribunal is of view the union ought to have appeared voluntarily before this Tribunal as per the direction of the Ministry of Labour, Govt. of India as given in order of reference.

Non-appearance of the union which has raised the dispute being well aware of the pendency of the present reference case before this Tribunal an inference can be drawn that it is no more interested to pursue with the dispute or it no longer has any dispute over the issue under reference.

However, the Govt. of India, Ministry of Labour vide orders no.L-29011/50/2022-IR (M) dated 11-04-2023 has referred the following issue to this Tribunal for adjudication:—

“Whether claim of Ramco Industries Ltd. (Cement Grinding Unit, Kharagpur) Contractor Workers Union Paschim Medinipur vide his letter dated 16-11-2022 that ‘71 workers (list attached) are permanent employees of Ramco Cement Ltd. (Cement Grinding Unit, Kharagpur)’ is proper, legal and justified? If yes, to what relief the disputant is entitled and what directions, if any, are necessary in the matter”.

Therefore, in view of the above no dispute award is passed and Reference Case No 09 of 2023 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1729.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इस्पात जनरल हॉस्पिटल, सेल के प्रबंधन के संबद्ध नियोजकों और श्री गोपाल बेहेरा के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स न.-51/2012) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. एल-43012/7/2011- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

S.O. 1729.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 51/2012**) of the **Central Government Industrial Tribunal cum Labour Court, Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Ispat General Hospital, SAIL** and **Shri Gopal Behera** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. L-43012/7/2011-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 51/2012 Date of Passing Award – 27th September, 2023

Between:

The Director,
(Medical & Health Services),
Ispat General Hospital, SAIL,
Rourkela, Dist. Sundargarh, Orissa.

... 1st Party-Management.
(And)

Shri Gopal Behera,
Nua Bazar, Small Shiva Mandir,
Sector – 21, Rourkela, Dist. Sundargarh.

... 2nd Party-Workman.

Appearances:

Sri Subrat Mishra, Advocate.	... For the 1 st Party- Management
Sri B.K. Das, Advocate.	... For the 2 nd Party- Workman.

AWARD

The Government of India in the Ministry of Labour & Employment, New Delhi in exercising its powers conferred under clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred a dispute between the Management of Ispat General Hospital, SAIL, Rourkela and allegedly its workman vide Order No. L-43012/7/2011-IR(M), dated 01.05.2012 for its adjudication and the schedule of the reference is as follows:-

“Whether the removal of service of Shri Gopal Behera, Ex-Workman by the management of Director (Medical & Health Service) Ispat General Hospital, SAIL, Rourkela w.e.f. 23.12.2005, is legal and justified? What relief the workman is entitled to?”

2. The case of the 2nd Party-workman as per his statement of claim is as follows:—

That, the concerned workman was working as Senior Hospital Attendant under Ispat General Hospital, SAIL, RSP, Rourkela and he was charge-sheeted on 26.02.2005 for his legitimate trade Union activities. Thereafter a departmental enquiry was conducted and the same was merely a colourable exercise while denying the concerned workman natural justice and reasonable opportunities. Further the workman was not allowed time to nominate a co-worker to assist him during the course of the domestic enquiry as he was not able to depose evidence and cross examination of the Management witnesses. The Enquiry Officer had allowed participation of the Presenting Officer as Management Witness in the inquiry which vitiated the domestic enquiry. The Enquiry Officer and the Presenting Officer had induced him to admit the charges of misconduct with an assurance that no action would be taken against him. The Inquiry Officer had not properly analyzed the evidence of his witnesses and he had not been given any reason of not accepting his evidence. The Disciplinary Authority had not applied his mind properly on the enquiry report before imposing punishment on him and the decree of misconduct and punishment imposed was not properly weighed by the disciplinary authority. The Disciplinary Authority was vindictive towards him because of his legitimate Trade Union activities as an active member of the Rourkela Shramik Sangh. The action of the disciplinary authority is prejudiced as the Management had neither issued a show cause notice to him nor followed the principles of natural justice. He had appealed before the Managing Director designated as Chief Executive Officer of Rourkela Steel Plant twice but his case was not considered. The Management has sought post facto approval in removing him from service which they had not yet obtained and the Management had also not paid one month's wage to him.

3. A prayer has been made to set aside the order of removal dated 23.12.2005 declaring the same as illegal and unjustified and disproportionate with an order of reinstatement in to his service with all consequential service benefits.

4. The case of the Management in brief is as follows:-

That, the concerned workman while working as Senior Hospital Attendant in Medical Department of the Ispat General Hospital, RSP, SAIL at Rourkela was charge-sheeted under Clause 28(v) of the Certified Standing Order of the company on 26.02.2005 for remaining absent from duty unauthorizedly on different spells for 216 days from 12.01.2004 to 24.02.2005 without obtaining sanction of leave. The concerned workman after receiving charge-sheet on 10.03.2005 had not submitted any written explanation and subsequently an enquiry committee was constituted to enquire into the matter. The concerned workman appeared before the enquiry committee and had preferred not to take the assistance of any co-worker. The enquiry committee conducted the enquiry after following the principles of natural justice and enquired into the charges brought against the concerned workman. The concerned workman had been given sufficient opportunities to defend himself but the concerned workman had admitted the charges voluntarily before the enquiry committee. The enquiry committee on the basis of evidence and documents on record submitted the report on dated 10.06.2005 to the disciplinary authority holding the charges as established against the concerned workman and the copy of the report, proceedings and the order were served to the concerned workman vide letter dated 16.06.2005. The disciplinary authority after carefully examining the deposition of the witnesses and relevant documents of the inquiry report confirmed the findings of the enquiring committee after being satisfied holding that the concerned workman deserves punishment of removal from services of the company. The disciplinary authority had also examined the past service records of the concerned workman but could not find any material in his favour for taking lenient view whereas the concerned workman had been imposed punishment on two counts vide order dated 26.10.2002 and 25.02.2005 for misconduct in separate enquiries and he had earned adverse entries in his CCRs for the year 2002, 2003 and 2004. The Disciplinary Authority after finding that there is no scope for imposing lesser punishment passed the order of removal of the concerned workman from services of the company with effect from 23.12.2005 as disciplinary measures under Clause 29(2)(c) of the Certified Standing Order of the Company. In view of this the concerned workman is not entitled for any relief and the punishment imposed for misconduct of remaining absent unauthorizedly is just and proper.

5. The Management by way of reply has stated that the averments made in Para – 1, 2 3 and 4 of the Statement of claim is baseless, misconceived and denied, unfounded and devoid of any merit. The averments made in Para-2 are baseless and denied and the averments made in Para-3 is unfounded and devoid of any merit. A prayer has been made

to hold the enquiry as fair and proper and upheld the decision of the disciplinary authority regarding removal of the workman from his services.

6. On the pleadings of the parties the following issues are framed:-

ISSUES

1. Whether the removal of service of Shri Gopal Behera, Ex-Workman by the Management of Director (Medical & Health Service), Ispat General Hospital, SAIL, Rourkela w.e.f. 23.12.2005 is legal and justified?
2. Whether the domestic enquiry conducted by the Management against the workman is fair and proper?
3. To what relief the workman is entitled?
7. The 2nd Party-Workman has examined two witnesses. They are W.W.-1 Sri Gopal Behera, the workman himself and Sri Nabaghana Nayak, W.W.-2
8. The 2nd Party-workman has proved the following documents which are marked as follows:-

Ext.-1 is the photocopy of the certificate of runners in boxing issued by the SAIL.

Ext.-2 is the xerox copy of the certificate of winner in boxing issued by Odisha Olympic Association.

Ext.-3 is the Xerox copy of participation certificate issued by IX Asian Games.

Ext.-4 is the Xerox copy of death certificate issued by NAC, Burla.

Ext.-5 is the Xerox copy of death certificate issued by the Municipality, Burla.

Ext.-6 is the Xerox copy of the Medical prescription issued by Dr. Ashok Prasad.

Ext.-7 is the Xerox copy of the Medical Certificate issued by Dr. A. Prasad.

9. The 1st Party-Management has examined only one witness. He is M.W.-1 Sri Satyananda Biswal who was working as Manager (PL-M&HS).

10. The 1st Party-Management has proved following documents which are as follows:-

Ext.-A is the Xerox copy of the charge-sheet dated 26.02.2005.

Ext.-B is the Xerox copy of acknowledgement receipt dated 10.03.2005 of charge-sheet.

Ext.-C is the Xerox copy of the notification dated 07.04.2005 on constitution of enquiry committee.

Ext.-D is the Xerox copy of the enquiry proceedings along with exhibits.

Ext.-E is the Xerox copy of the findings of the enquiry officer dated 10.06.2005.

Ext.-F is the Xerox copy of the letter dated 16.6.2005 issued to the workman.

Ext.-G is the Xerox copy of the acknowledgement receipt dated 16.06.2005.

Ext.-H is the Xerox copy of the removal order dated 23.12.2005.

Ext.-J is the Xerox copy of the postal receipt No. RALD A-594 & RALDA A-595 dated 23.12.2005 showing sending of removal order.

Ext.-K is the Xerox copy of the counter foil of pay-in-slip showing payment of one month wage for the workman.

Ext.-L is the copies of the past punishment orders dated 26.10.2002 and 25.02.2005.

Ext.-M is the Xerox copy of the personal policy circular No. 654, dated 21.09.1992.

Ext.-N is the Xerox copy of the application filed under section 33-2(b) before the P.O., I.T., Rourkela registered as ID Misc. Case No. 24/2005.

Ext.-P is the Xerox copy of the order dated 17.02.2014 of the P.O., I.T. Rourkela.

Ext.-Q is the Xerox copy of the Certified Standing Order.

FINDINGS

11. The Tribunal for the sake of convenience thinks it proper to discuss the Issue No. II first of all.

ISSUE NO. II

12. At the outset of the discussion it is required to mention here that in course of argument the learned lawyer of the workman has accepted that the enquiry proceedings by which enquiry was conducted against the concerned workman was fair and proper and the principles of natural justice were followed in the enquiry proceeding.

13. In view of the admission made by the learned lawyer of the 2nd Party-workman it will be a fruitless exercise to go into the inquiry proceeding conducted against the workman as fair and proper. This issue is decided in favour of the 1st Party-Management.

14. Now the Tribunal will discuss the Issue No. I and III together as they are inter-linked.

ISSUE NO. I & III

15. It is the pleading of the concerned workman that his removal from service was not proper, legal and justified. It is the further pleadings of the workman that he has been awarded disproportionate punishment with regard to his misconduct. It is also the further pleadings that in the Standing Order of the Management as per Order No. 29(2) the first punishment of misconduct is (a) Stoppage of Increment (b) Reduction to a lower grade or post or lower stage in a time scale (c) Removal from service which does not disqualify for future employment, but the 1st Party-Management without taking recourse of the said Clause 29(a)(b) of the Standing Order has taken a step of sub-Clause 29(c) of the Certified Standing Order that his removal from service which is not just and proper.

16. On the other it is the pleadings of the Management that after analyzing all the factors and findings of the Enquiry Officer in the Enquiry Proceedings the competent authority has taken a decision of removal of workman from his service.

17. Both the parties have led their evidence on the basis of their pleadings and W.W.-1 Sri Gopal Behera and W.W.-2 Nabaghana Nayak as well as M.W.-1, Satyananda Biswal have supported their respective case.

18. The learned lawyer of the concerned workman in course of argument has submitted that the concerned workman was awarded disproportionate punishment which is not justified as per the Order No. 29(2) of statutory orders of Management so the order of removal of the concerned workman be set aside under section 11-A of the Industrial Disputes Act. The learned lawyer of the Management has vehemently opposed the contentions of the learned lawyer for the workman.

19. At this stage it is relevant to mention here the provision of Section 11-A of the Industrial Disputes Act.

Section – 11(A) : The Section 11(A) of the Industrial Disputes Act reads as follows:—

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require”.

20. The Hon’ble Supreme Court has been pleased to observe in a case reported in **1973 AIR 1227 (Workmen of M/s. Firestone Tyre.... –versus- Managements and others)** that :—

“The Act is beneficial piece of legislation enacted in the interest of employees, It is the well settled that in construing the provisions of a welfare legislation, courts should adopt, what is described as a beneficial rule of construction. If two constructions are reasonably possible to be placed on the section, it follows that the construction which furthers the policy and object of the Act and is more beneficial to the employees has to be preferred. The interpretation must be liberal enough to achieve the legislative purpose”.

21. However the Hon’ble Supreme Court in another case as reported in **2005 (2) SCALE 302 (Mahindra and Mahindra Ltd., -Vs. N.B. Narawade)** has been pleased to hold that:—

It is no doubt true that after introduction of Section 11-A in the Industrial Disputes Act certain amount of discretion is vested with the Labour Court/Industrial Tribunal in interfering with the quantum of punishment awarded by the Management where the concerned workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgements of this court referred to herein above and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which requires the reduction of the sentence, or the past conduct of the workman which may be persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court cannot by way of sympathy alone exercise the power under section 11-A of the Act and reduce the punishment.”

22. In view of the above discussions the Tribunal finds and hold that the punishment of removal from services awarded to the 2nd Party-workman because of his unauthorized absence from duty is highly disproportionate to the gravity of misconduct and it disturbs the conscience of the Court. Moreover, there is a provision under Order No. 29(2) of the Certified Standing Order of the Management that the Management may in its discretion give its employees other punishment in lieu of removal from services so the Tribunal comes to a conclusion that the 2nd Party-workman be awarded a lesser punishment of stoppage of two scale annual increments instead of removal from services.

23. After considering all the above facts and circumstances the Tribunal comes to a conclusion that the removal of the 2nd Party-workman by the Management of Director (Medical & health Service) I.G.H. of SAIL, Rourkela from service is not legal and justified and he is entitled for relief.

24. Hence, the Issue No. 1 and III are answered in favour of the 2nd Party-workman and against the 1st Party-Management.

25. After considering all the facts and circumstances of the case the Tribunal renders the following order:-

ORDER

26. That the removal of service of the 2nd Party-workman namely Gopal Behera by the Management of Director (Medical & Health Service), Ispat General Hospital, SAIL, Rourkela with effect from 23.12.2005 is not justified and legal and thus the removal order dated 23.12.2005 is set aside.

27. The 1st Party-Management is directed to reinstate the 2nd Party-workman in the rolls of the company from the date of his removal from Services i.e. 23.12.2005 withholding two scales of annual increments with cumulative effect effecting from the date 23.12.2005.

28. That, the 1st Party-Management is directed to make payment of 50% of the wages to the 2nd Party-workman from the date 23.12.2005 till his superannuation (as per service record) along with all consequential benefits including Bonus and all retiral benefits.

29. The 1st Party-Management is also directed to implement the Award of the Tribunal within one month from the date of receipt of the copy of the Award after it is published in the official gazette by the appropriate Government.

30. This is the Award of this Tribunal.

Dictated & Corrected by me

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1730.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स यादव ब्रदर्स; भिलाई स्टील प्लांट के प्रबंधन के संबद्ध नियोजकों और श्री प्रवीण कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स नं.-06/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम)-69]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

S.O. 1730.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 06/2023**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Yadav Brothers; Bhilai Steel Plant** and **Shri Praveen Kumar** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. Z-16025/04/2023-IR(M)-69]

D. K. HIMANSHU, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR

No. CGIT/LC/R/06/2023

Present: P.K.Srivastava

H.J.S..(Retd)

The

Shri Praveen Kumar,

Village- Singdehi, PO- Sarda,

District- Bemetara (CG) - 491332

Workman

Versus

The

M/s Yadav Brothers,

Rep. by Shri Chandrajit Singh Yadav- Proprietor,

Yadav Bhavan, Joratarai, Bhilai,

PO- Dundera (Utai), Dist. Durg (CG) 490021

The

Chief Executive Officer,

Bhilai Steel Plant, PO- Bhilai,

District- Bhilai (CG) 490001

Management

AWARD

(Passed on this 20th day of October 2023.)

As per letter dated 14/02/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number No.RP-8(3-2)/2023-ES.III dt.14/02/2023 . The dispute under reference related to :—

“Whether the services of the workman (Shri Praveen Kumar) have been illegally terminated by the Contractor M/s Yadav Brothers, contractor of M's Bhilai Steel Plant ? Whether the workman is entitled for reinstatement of his service ? and to, to what all remedies, is the workman entitled to, in relation to the present industrial dispute?”

After registering the case on the basis of reference, notices were sent to the parties.

Learned counsel for workman Shri Pranay Chaubey appeared and pressed his application, filed with affidavit, wherein he has requested on behalf of the workmen that the dispute under the reference has been settled out of court and management has provided required compensation to the workmen hence he does not wish to fight the case and has further requested that no dispute award be passed in the light of these facts. After hearing Learned counsel and going through the record, the player is granted and no dispute Award is passed.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1731.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स यादव ब्रदर्स; भिलाई स्टील प्लांट के प्रबंधन के संबंध में नियोजकों और श्री महेंद्र कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स नं.-07/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम)-70]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

S.O. 1731.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 07/2023**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Yadav Brothers; Bhilai Steel Plant** and **Shri Mahendra Kumar** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. Z-16025/04/2023-IR(M)-70]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/07/2023

Present: P.K.Srivastava

H.J.S..(Retd)

The

Shri Mahendra Kumar,

Ward No. 38, Village- Somani, PO- Utai,

District- Durg (CG) - 491107

Workman

Versus

The

M/s Yadav Brothers,

Rep. by Shri Chandrajit Singh Yadav- Proprietor,

Yadav Bhavan, Joratarai, Bhilai,

PO- Dundera (Utai), Dist. Durg (CG) 490021

The

Chief Executive Officer,

Bhilai Steel Plant, PO- Bhilai,

District- Bhilai (CG) 490001

Management

AWARD

(Passed on this 20th day of October 2023.)

As per letter dated 14/02/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no.RP-8(3-3)/2023-ES.III dt.14/02/2023 . The dispute under reference related to :-

“Whether the services of the workman (Shri Mahendra Kumar) have been illegally terminated by the Contractor M/s Yadav Brothers, contractor of M's Bhilai Steel Plant ? Whether the workman is entitled for reinstatement of his service ? and to, to what all remedies, is the workman entitled to, in relation to the present industrial dispute?”

After registering the case on the basis of reference, notices were sent to the parties.

Learned counsel for workman Shri Pranay Chaubey appeared and pressed his application, filed with affidavit, wherein he has requested on behalf of the workmen that the dispute under the reference has been settled out of court and management has provided required compensation to the workmen hence he does not wish to fight the case and has further requested that no dispute award be passed in the light of these facts. After hearing Learned counsel and going through the record, the player is granted and no dispute Award is passed.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1732.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्सुरेंस सेक्टर ऑफ़ पब्लिक सेक्टर अंडरटेकिंग्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-01/2007) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. एल -17011/4/2006- आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

S.O. 1732.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 01/2007**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Insurance Sector of Public Sector Undertakings and Their Workmen** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. L-17011/4/2006-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

NATIONAL INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

REF. No. NT-01 OF 2007

Parties: Employers in relation to the management of

Insurance Sector of Public Sector Undertakings

AND

Their Workmen

Appearance :

On behalf of Management National Insurance Co. and Oriental Insurance Co.	: Mr. R. De, Advocate
On behalf of Union New India Insurance Co. Ltd.	: Absent
On behalf of the other seven Unions	: Absent

Dated 21st September, 2023

AWARD

None of the seven unions whose name appear in the Corrigendum order of reference No. L-17011/4/2006-IR(M) dated 29.06.2007 are found present when the matter is called today too like on other previous dates.

None appears on behalf of New India Insurance Co. Ltd. and United India Insurance Co. Ltd. when the matter is called.

On other hand, National Insurance Co. and Oriental Insurance Co. are represented by their Ld. Counsel Mr. R. De.

Today has been fixed for production of final order passed by Hon'ble High Court of Delhi in Writ Petition No. 2782 of 2007 or the decision taken by High Powered Committee on the issue under reference. Ld. Counsel Mr. De candidly submits the Insurance Companies whom he represent are unable to produce the final report of High Powered Committee on disputed transfer and mobility policy 2006 or the final order passed by Hon'ble Writ Court of Delhi High Court.

Record shows vide order dated 03.01.2008 the further proceeding of this reference has been stayed as the disputed matter was referred to High Powered Committee as per the order of Hon'ble High Court of Delhi.

None pursuance of the reference by the Union and none appearance of the Union which have challenged the transfer and mobility policy 2006 and inability of parties to produce the final decision taken by High Powered Committee and the final order passed by Hon'ble High Court of Delhi in W.P. No. 2782 of 2007 on disputed issue under reference inference can be drawn that disputed transfer and mobility pursuing 2006 stands as it is.

Ld. Central Govt., Ministry of Labour by issuing Corrigendum order dated 29.06.2007 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of Oriental Insurance Co. Ltd., National Insurance Co. Ltd., New India Insurance Co. Ltd. and United India Insurance Co. Ltd. in formulating the transfer and mobility policy 2006 and the administrative instructions issued thereunder is in violation of the Paragraphs 11 and 12 of the Notification issued by the Ministry of Finance, published vide Gazette S.O. 1783 (E) dated 21.12.2005 (which relates to transfer policy, cadre and allowances) (copy enclosed)? If yes, what relief are the workmen entitled to?”

So, it appears the seven unions which are representing Supervisor, Clerk, Subs-staff of the above four General Insurance Companies by filing the present reference, have challenged the transfer and mobility policy 2006 and have alleged such policy have changed their service conditions and done without following the due procedure laid down in Industrial Dispute Act.

Pursued both the Gazette Notification as dated 21.12.2005 and the disputed transfer and mobility policy 2006.

Para-11 of notification dated 21.12.2005 relates to transfer policy of Supervisor, Clerk, Sub-ordinate and other Staff of General Insurance Companies mentioned in Para-12.

So, it appears the staff mentioned in Para 12 of the notification dated 21.12.2005 are not immune from transfer.

The copy of disputed policy of 2006 appear to be nothing but has discussed elaborate and specifically the terms “Job Rotations” “Radius” “Relocation” “Job Rotation” “Station” etc. which are not specifically discussed or mentioned in the scheme of 1974 or notification dated 21.12.2005.

It has elaborate mentioned what is job rotation (within the same station), how transfer from one station to another has to be effected and on what condition, how request transfer has to be effected and or what condition request transfer has to be effected and how financial benefits of the staff/workmen have to be protected.

Therefore, it appears to this Tribunal by formulating transfer and mobility policy the management of four General Insurance Companies want to bring more transparency in transfer policy of the staff mentioned in Para 12 of the Gazette Notification dated 21.12.2005.

Further, nothing has come on record that those four Insurance Companies have not given effect to the transfer and mobility scheme 2006 or that it still follows Gazette Notification dated 21.12.2005.

This tribunal is of view when transfer is incidental to the service, then policy 2006 does not appear to be a new policy affecting the service condition of Non-managerial staff of there four Insurance Companies.

In view of above discussion and non-pursuance of the case by the Unions which have espoused the dispute and its failure to prove non-implementation of disputed policy 2006 by the management and their failure to prove such policy has been set aside by Delhi High Court in Writ Petition No. 2782 of 2007 or by the High Powered Committee or modified by them, then it can be informed that union have accepted the transfer and mobility policy 2006.

Further, no evidence have come as record to prove that there four General Insurance Companies still follow the Gazette Notification dated 21.12.2005 and has not acted upon the disputed transfer policy of 2006 in respect of their staff who falls in the category mentioned in Para 12 of Gazette Notification dated 21.12.2005.

Accordingly, No Dispute Award is passed and Reference case No. NT-01/2007 is disposed of.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1733.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इंडस्ट्रियल ऑफ़ मिनरल्स एंड मैटेरियल्स टेक्नोलॉजी; मेसर्स बॉम्बे इंटेलिजेंस सिक्योरिटी (इंडिया) लिमिटेड; मेसर्स इंडस्ट्रियल सिक्योरिटी एंड अलाइड सर्विसेज प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री त्रिनाथ प्रधान के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स नं.-

49/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम)-66]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

S.O. 1733.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 49/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Institute of Minerals & Materials Technology; M/s. Bombay Intelligence Security (India) Ltd.; M/s. Industrial Security & Allied Services Private Limited** and **Sri Trinath Pradhan** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. Z-16025/04/2023-IR(M)-66]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 49/2021

Date of Passing Award – 18th August, 2023

Between:

1. The Director,
M/s. Institute of Minerals & Materials Technology, (IMMT)
Sachivalaya Marg, RRL, Campus, Acharya Vihar,
Bhubaneswar, Odisha 751 013, Bhubaneswar.
2. The Director,
M/s. Bombay Intelligence Security (India) Ltd.,
101, Omega House, Hiranandani Gardens,
Powai, Mumbai – 400 076.
3. The Director, M/s. Industrial Security & Allied
Services Private Limited, F3-F5, Indradhanu
Market, IRC Village, Bhubaneswar.
... 1st Party-Managements.
(And)
Sri Trinath Pradhan,
S/o. Udayanath Pradhan, At. S-3, 204-205,
P.O. Sailashree Vihar, Bhubaneswar, Odisha
... 2nd Party-Workman.

Appearances:

None.	...	For the 1 st Party-Managements.
None.	...	For the 2 nd Party-Workman.

ORDER

In the present case, a reference was received from the office of the Deputy Chief Labour Commissioner (Central), Bhubaneswar vide letter No. L.-8(36)/2020-B.IV dated 29.07.2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, under the following schedule:-

“Whether the action of M/s. Bombay Intelligence Security (India) Ltd., the Contractor of the Management of M/s. Institute of Minerals of Materials Technology, Bhubaneswar, terminating the services of Sri Trinath Pradhan (Security Guard) without retrenchment benefits is just, fair and legal? If not, to what relief the concerned workman is entitled to?”

2. In the reference order, the Deputy chief Labour Commissioner (Central), Bhubaneswar commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

3. Despite directions so given, the 2nd Party-Workman opted not to file the claim statement.

4. On receipt of the above reference, notice was sent to the 2nd Party-Workman on 20.12.2021 and on dated 03.04.2023 for appearance and for filing of statement of claim. Neither the postal article sent to the 2nd Party-Workman, referred to above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred to above. Therefore, every presumption lies in favour of the fact that the above notices were served upon the 2nd Party-Workman. Despite service of the notice, the 2nd Party-Workman opted to abstain away from the proceedings. No claim statement was filed on its behalf. Thus, it is clear that the 2nd Party-Workman is not interested in adjudication of the reference on merits.

5. Since the 2nd Party-Workman has neither filed statement of claim nor has led any evidence so as to prove its cause against the Managements, hence there is no claim of the workman against the Management.

6. In view of such, no claim award is passed by this Tribunal.

7. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2023

का.आ. 1734.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स इंस्टिट्यूट ऑफ़ मिनरल्स एंड मैटेरियल्स टेक्नोलॉजी; मेसर्स बॉम्बे इंटेलिजेंस सिक्योरिटी (इंडिया) लिमिटेड; मेसर्स इंडस्ट्रियल सिक्योरिटी एंड अलाइड सर्विसेज प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री अरबिंद कुमार जेना के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर, पंचाट (रिफरेन्स नं.-48/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.10.2023 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023- आईआर(एम)-67]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 31st October, 2023

S.O. 1734.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 48/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Bhubaneswar** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s. Institute of Minerals & Materials Technology; M/s. Bombay Intelligence Security (India) Ltd.; M/s. Industrial Security & Allied Services Private Limited** and **Sri Arbind Kumar Jena** which was received along with soft copy of the award by the Central Government on 31.10.2023.

[No. Z-16025/04/2023-IR(M)-67]

D. K. HIMANSHU, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR**

Present:

Sri Dinesh Kumar Singh,
 Presiding Officer, C.G.I.T.-cum-Labour
 Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 48/2021Date of Passing Order – 18th August, 2023

Between:

1. The Director,
 M/s. Institute of Minerals & Materials Technology,
 Bhubaneswar.

2. The Director,
 M/s. Bombay Intelligence Security (India) Ltd.,
 101, Omega House, Hiranandani Gardens,
 Powai, Mumbai – 400 076.

3. The Director,
 M/s. Industrial Security & Allied Services Private
 Limited, F3-F5, Indradhanu Market Village,
 Bhubaneswar.

... 1st Party-Managements.

(And)

Sri Arbind Kumar Jena,
 S/o. Gajendranath Jena, At. Sanuhapus,
 P.O. Sidheswarpur, Jagatsinghpur, Odisha

... 2nd Party-Workman.

Appearances:

None. ... For the 1st Party-Managements.None. ... For the 2nd Party-Workman.**ORDER**

In the present case, a reference was received from the office of the Deputy Chief Labour Commissioner (Central), Bhubaneswar vide letter No. L.-8(36)/2020-B.IV dated 29.07.2021 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, under the following schedule:—

“Whether the action of the Management of M/s. Bombay Intelligence Security (India) Ltd., the Contractor of M/s. Institute of Minerals Materials Technology, Bhubaneswar, terminating the services of Sri Arbind Kumar Jena (Security Guard) without giving termination benefits is just, fair and legal? If not, to what relief the concerned workman is entitled to?”

2. In the reference order, the Deputy chief Labour Commissioner (Central), Bhubaneswar commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to each one of the opposite parties involved in the dispute.

3. Despite directions so given, the 2nd Party-Workman opted not to file the claim statement.

4. On receipt of the above reference, notice was sent to the 2nd Party-Workman on 20.12.2021 and on dated 03.04.2023 for appearance and for filing of statement of claim. Neither the postal article sent to the 2nd Party-Workman, referred to above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred to above. Therefore, every presumption lies in favour of the fact that the above notices were served upon the 2nd Party-Workman. Despite service of the notice, the 2nd Party-Workman opted to abstain away from the proceedings. No claim statement was filed on its behalf. Thus, it is clear that the 2nd Party-Workman is not interested in adjudication of the reference on merits.

5. Since the 2nd Party-Workman has neither filed statement of claim nor has led any evidence so as to prove its cause against the Management, hence there is no claim of workman against the Management.

6. In view of such, no claim Order is passed by this Tribunal.

7. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2023

का.आ. 1735.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **औरंगाबाद** के पंचाट (47/2017) प्रकाशित करती है।

[सं. एल - 12025/01/2023- आई आर (बी-1)-91]

सलोनी, उप निदेशक

New Delhi, the 1st November, 2023

S.O. 1735.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.47/2017) of the *Indus.Tribunal-cum-Labour Court Aurangabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2023- IR(B.I)-91]

SALONI, Dy. Director

ANNEXURE

IN THE COURT OF JUDGE, 1st LABOUR COURT, AURANGABAD.

(Presided Over by SMT. M.Y. AMRUTKAR)

Ref-IDA/47/2017

(MHLC200009472016)

Between:

Dhansingh S/o. Bhikan Puse,

Age: 31 Years, Occ: Nil,

R/o. Bhadji

Tq Khultabad, Dist Aurangabad

... Second Party

and

1. The Branch Manager,

State Bank of India,

Branch Khultabad,

Tq. Khultabad, Dist Aurangabad

2. The Assistant General Manager,

State Bank of India,

Region 1 Town Center, Aurangabad

...First Party

Advocates: Shri. M.R. Singh for Second Party/Workman

Shri. Ruturaj Patil for First Party/Employer

Claim :- Reference under Section 2A (2) of the I.D. Act, 1947.

AWARD

(Delivered on 27/11/2021)

1. The second party filed present Reference under Section 2A (2) of the Industrial Disputes Act, 1947 for reinstatement in service with continuity and full back-wages w.e.f. 15/02/2017.

2. The brief facts of the case as under:

The second party was working as Daftary & Cash Peon on temporary basis on 22/10/2012 with first party for 10 years. The second party was worked with first party continuously for 240 days in each preceding year. The second party was getting Rs. 7200/- towards salary. The Branch Manager sent proposal to sanction the post of part time employee of skilled wages by letter dtd. 20.04.2016 and recommended the name of second party. However, on 15/02/2017 the services of the second party orally terminated by first party without following due procedure of law prescribed in Section 25-F & 25-G of the Industrial Disputes Act, 1947. The management were not taken cognizance of demand notice issued by the second party to them. The second party sent a letter under section 2-A (2) of the Industrial Disputes Act, 1947 to Central Labour Conciliation office at Pune and New Delhi for intervention and commencement of Conciliation Proceeding but no response from both authorities. Therefore, second party approached to this Court for adjudication. The second party prayed for reinstatement in service with full back wages w.e.f. 15/02/2017.

3 The first party filed its Written Statement vide Ex.C-4. The first party contended that the second party was working with first party on temporary basis. He performed the work related to cleaning branch premises, purchasing stationary and Diesel. The first party denied that the second party worked with them from 22/10/2007. The first party denied that the second party worked with them for 240 days continuously in any calendar year before termination. Therefore, second party is not entitled for reinstatement and there is no question of back-wages. Hence, Reference (IDA) may kindly be answered in negative.

4. After considering the contentions of both parties, my learned Predecessor framed issues vide Ex.O:3. They are reproduced as under along with my findings thereon for the reasons given below.

Sr. No.	Issues	Findings
1	Whether the second party proves that his termination order dated 15.02.2017 is illegal and liable to be set aside ?	In negative
2	Whether the second party proves that he is entitled for reinstatement in service along with full back-wages and other consequential benefits ?	In negative
3	What Award ?	Reference is answered in negative.

Reasons

5. The second party filed evidence affidavit vide Ex.U-12 in lieu of examination-in-chief and reiterated the same facts as alleged in statement of claim. During the cross examination, he admitted that he was not issued with any appointment letter by first party. He also admitted that he was appointed on temporary basis. The second party further admitted that the first party has not published any advertisement in newspaper for recruitment.

6 The second party adduced documentary evidence on record vide Ex.U-3. These are bulky documents contains Xerox Copies of bills, vouchers and delivery books, photographs and copy of proposal dtd.20/04/2016 sent by Branch Manager to Assistant General Manager for sanction of post of part time employee, wherein, the name of second party is mentioned. The documents filed by second party are xerox copies of document which are not proved before Court.

7 Perused the entire documents On record, I have not found any document which shows that the second party has completed 240 days continuous service with first party. It is settled position of law that initial burden lies on

second party to prove that he worked for 240 days continuously with employer. If second party successfully proves that he performed work for 240 days continuously with first party then provisions prescribed under section 25-F of the Industrial Disputes Act, 1947 are attracted.

8. The first party examined Mr. Sudhir kumar S/o. Niranjan Wakode. The second party cross examined the witness but deposition of management witness deposed in cross examination not supported to the case of second party.

9. Considering the oral and documentary evidence on record and arguments of both learned Counsels, it is not in disputed that the second party worked with first party On temporary basis. The second party failed to prove that he worked with first party for 240 days continuously in any calendar year before the date of termination. Therefore, while terminating the services of second party, the first party has not bounded to follow the procedure laid down under section 25-F of Industrial Disputes Act, 1947. Therefore, I answered issues no. 01 to 03 in negative and held that the first party has not illegally terminated the services of the second party. Therefore, second party is not entitled to reinstate in service along-with back-wages. With this I proceed to pass following Award.

Award

- 1) The Reference is answered in negative.
- 2) No order as to costs.
- 3) The copies of the Award be sent to the Appropriate Government for its publication.

M.Y.AMRUTKAR, Presiding Officer & Judge,
Labour Court-1, Aurangabad